WARRICK COUNTY COUNCIL MEETING
COMMISSIONERS MEETING ROOM
107 W. Locust Street
Boonville, Indiana
May 2, 2019
6:00 PM

The Warrick County Council met in regular session in the Warrick County Courthouse, 107 W. Locust Street, Boonville, Indiana.

Attorney Cliff Whitehead and Administrator Krystal Powless was in attendance.

Auditor Debbie Stevens and Secretary Kristine Georges attended and recorded the minutes.

Council President, Greg Richmond, called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

Greg Richmond: Roll Call.

Krystal Powless: Charlie Christmas?

Charlie Christmas: *(Councilman Christmas was not present for this meeting).*

Krystal Powless: David Hachmeister?

David Hachmeister: Here.

Krystal Powless: Cindy Ledbetter?

Cindy Ledbetter: Present.

Krystal Powless: Ted Metzger?

Ted Metzger: Present.

Krystal Powless: Brad Overton?

Brad Overton: Here.

Krystal Powless: Richard Reid?

Richard Reid: Present.

Krystal Powless: Greg Richmond?

Greg Richmond: Here.

UPDATE ON COUNCILMAN CHRISTMAS

Councilman Richmond: And good news on Charlie. He is going home from the rehab center tomorrow and plans to be at our next meeting.

Councilman Reid: Good.

Councilman Overton: That's good.

Councilman Richmond: So that's answered prayer.

APPROVAL OF MINUTES
APRIL 4, 2019

Councilman Richmond: And there's no Tabled Items, so Approval of Minutes. And I should have called you, just got to reading them while I was, I was in Florida again.

Councilman Overton: Wow.

Councilman Richmond: Yeah, jazz festival.

Councilman Overton: You playing?

Councilman Richmond: No.

Councilman Overton: Just listening?

Councilman Richmond: I enjoy listening. On Items 3A, 3B, and 3C, the Minutes, and it's my fault. I apologize. It's on page seven (7) of mine where we're talking about the Event Center. I did not read the amounts for the Transfers. It starts midway where I ask for a motion and Ted made the motion. And Rick seconded and then I read that. Our Counsel asked us, what's the motion? So, I stated the motion needs to address 3A, B, and C, is that okay? The transfers and the additionals. And it says Councilman Metzger, fine. I think the second fine was from Rick. So, that

would be a correction. I think you both said okay on that. And then we have the discussion. As I go on through this I noticed that I did not read the amounts of the transfers. But we did ask for all three (3) of them to be okayed. So, Legal Counsel, are we alright on that?

Cliff Whitehead: Yes. We have the agenda which had the amounts listed out. So, I'm comfortable with that.

Councilman Richmond: Okay. Anybody else have any corrections or additions? So, I'll open it for a motion.

Councilman Metzger: Motion to approve.

Councilman Reid: Second.

Councilman Richmond: Motion by Ted. Second by Rick. All those in favor? Six, zero (Motion carried 6-0).

ECONOMIC DEVELOPMENT BUSINESS
FRIEDMAN PARK EVENT CENTER TRANSFERS

Councilman Richmond: Okay. Economic Development Business, Transfers. From Friedman Park Event Center, forty thousand dollars ($40,000.00) to Engineer's Fees, forty thousand dollars ($40,000.00). From Friedman Park Event Center, they're different Funds. I guess I should read the Fund names perhaps. Let me back up. From…

Councilman Hachmeister: They came from the same number.

Councilman Richmond: Are they the same number? From the same Fund? No, they're different.

Krystal Powless: No, it's the same.

Councilman Hachmeister: They're going in to two (2) different ones though. They're coming out of the same, the Event Center.

Councilman Richmond: Yeah, they're coming out of the same, okay. Forty-five…four-five-'o-two-'o (45020). But the forty thousand ($40,000.00) goes into five-zero-eight-three-'o (50830) and Contractual Service, three-one-four-zero-zero (31400), Contractual Services, eighteen thousand ($18,000.00) from Friedman Park Event Center to Contractual Services.

Steve Roelle: Okay, good evening. Steve Roelle, Economic Development. Event Center Business, we're asking for two (2) transfers today. And as you guys know, we've been working on this since December. And our Friedman Park Event Center Line Item was just set up about three (3) weeks ago. So from December 'til three (3) weeks ago, we've had to get engineering done and we've had to get trees cleared before the Indiana Bat Season starts. All of those things. So we have been working on this project as you guys have seen. The floor plans and development and the awarding of the grant and all those things, they've been coming out of our General Line Items for Engineering Fees and Contractual Services because we didn't have the Friedman Park Line Items set up. We're looking to transfer those Funds so that the Friedman Park Event Center will actively reflect and correctly reflect the dollars that we've spent towards that project.

Councilman Hachmeister: Motion to approve.

Councilman Reid: Second.

Councilman Richmond: Motion by David. Who seconded that? Rick? Any discussion? All those in favor? Six, zero (Motion carried 6-0). Thank you.

TECUMSEH TRAILS UPDATE

Steve Roelle: Okay. I got one (1) more thing that's not on there. Greg said I could share some news with you guys I just want to pass along. You'll probably hear about it tomorrow. But the Governor announced a four hundred thousand dollar ($400,000.00) grant for the Tecumseh Trail up in Lynnville with his Next Level Connectivity Funds. It was the only project in Southern Indiana that was awarded grant dollars. I wanted to update you guys, one (1) because it kind of started here when you guys approved some funds through Economic Development last year to say that trails and quality of life and stuff's important for people throughout the whole County. So that got the ball rolling. This awarding of three hundred ninety-four thousand ($394,000.00), right at four hundred ($400,000.00) is going to make that project a reality for the community of Lynnville, all the students that go to Tecumseh High School and Middle School for generations to come. You'll see some stuff, the Governor released a press release today. You'll see some stuff locally tomorrow. It's just a good project that's going to get started here this year. If we can finish it based on weather, it will finish this year. If not, we're kind of on the schedule to finish sometime in the middle of 2020. So, I just wanted to update that we received these funds. I think it's a fantastic thing for that community and just want to say thank you.

Councilman Reid: How many miles is that going to be?

Steve Roelle: It's going to be two point two-five (2.25) and it's going to go from the Town of Lynnville. It's going to pick up the Museum of Coal up there, which is one (1) of the attractions up in Northern Warrick County. It's going to pick up Lynnville Park which is a great place if you like to kayak or hike and stuff like that. And then also go to the school. So the Town's behind it. The businesses are behind it. The Town of Lynnville contributed fifty thousand dollars ($50,000.00) which for them is a huge portion. It's a huge part. The parents want it. The students want it. The school system wants it. So, I'm excited.

FRIEDMAN PARK EVENT CENTER UPDATE

Councilman Reid: You still on schedule for the Friedman Park?

Steve Roelle: On Friedman Park Event Center?

Councilman Reid: Yeah.

Steve Roelle: That project is moving along lightning fast like it has been. It's going to go to bid by the end of the month. It's going to go for State review, any final documents. I want to say that's about in ten (10) days. And then the last week of the month it will go out to bid. We're expecting to award bids and have construction start July 17th or 18th. So, quick.

Councilman Metzger: Pretty fast.

Steve Roelle: Yeah, we're working really hard.

Councilman Metzger: Great news, thanks, Steve.

Councilman Reid: Thank you. Great job.

COMMISSIONER BUSINESS
HIGHWAY DONATION FUND TRANSFER

Councilman Richmond: Commissioner Business, Highway Donation, Transfer from Materials, Equipment, Peabody, one thousand six hundred five dollars ($1,605.00). Transfer to Donations, Non-Profit.

Roger Emmons: Good evening.

Councilman Hachmeister: Motion to approve.

Councilman Richmond: Motion by David.

Councilman Overton: Second.

Councilman Richmond: Second by Brad. Any discussion? All those in favor? One (1), two (2), three (3), four (4). Is that; did you vote for it?

Councilman Overton: Yeah.

Councilman Richmond: And two (2) opposed? Rick and Ted oppose. Okay. Four, two (Motion carried 4-2 with Ted Metzger and Rick Reid opposing).

Roger Emmons: Thank you very much.

Cliff Whitehead: And the two (2) were Ted and Rick? I'm sorry.

Councilman Richmond: Yeah, Ted...

Councilman Overton: (Inaudible) Roger.

Councilman Hachmeister: Yeah.

Councilman Overton: He didn't even hear me.

Councilman Hachmeister: (Inaudible) get out of here.

HEALTH BUSINESS
ANIMAL CONTROL EXPENSE

Councilman Richmond: And next is Health Business, Additional Appropriation, Animal Control Expense. We'll do that one (1) first, three thousand fifty-six dollars ($3,056.00). It's a reimbursement.

Councilman Hachmeister: Motion to approve.

Councilman Overton: Second.

Councilman Richmond: Motion by David to approve. Seconded by Brad. Discussion? Questions? All those in favor? One (1), two (2), three (3), four (4), five (5). All those opposed? One (1), Rick Reid. (Motion carried 5-1 with Rick Reid opposing).

ADDITIONAL APPROPRATION
ASSISTANT ANIMAL CONTROL OFFICER

Councilman Richmond: Next is a Transfer from Animal Control Expense, nine thousand two hundred dollars ($9,200.00) to Pound Keeper, nine thousand two hundred dollars ($9,200.00). Please identify yourself.

Aaron Franz: My name is Aaron Franz. I'm with the Warrick County Health Department. I'm the Administrator for the Health Department. And I'm back from last meeting requesting that we take, make our part-time Animal Control Officer a full-time Animal Control Officer. The first request should reflect the cost it should take to finish that out for the remainder of the year if you add in the already, the money that's already there allotted for that current position in part-time. I would like to share a couple things. Maybe I didn't get a chance to last time. Also, I want to thank everybody that took time and talked to me over the phone last month. I really appreciate that. One (1) of the things that we want to do, I want to make sure everybody know that this isn't just a temporary fix for a situation that we're currently in, but it is an ongoing situation that we've been struggling with for quite some time. One (1) of the things that this part-time person would do is we're going to create a second shift position which will virtually eliminate all of our call-outs and

comp time that Animal Control has. Animal Control along with the Highway Department is in the rare position of having a lot of extra hours. And we don't pay them over time. We pay them comp time. And once they qualify, once they meet that standard in the County Handbook, which is over forty (40) hours, they qualify for time and a half (1 ½). Right now, currently, we are at just, just to make a number for you. Like I said, we pay them in time so when they're gone taking that time off at twenty-three hundred and fifteen hundred…Twenty-three hundred fifteen dollars ($2,315.00) currently right now with the two (2) Officers. And I want to show you something if I may, pass something out to you from the Ordinance that was just passed last, the end last year by the Commissioners. One (1) of the things that was kind of a strange thing in our previous Ordinance for Animal Control is there was a division of funds. The Animal Control Funds would always go to multiple locations. There is, I wasn't here when that was written. I've just heard second hand, but one (1) of the changes that we had made if you'll look under Administration, 131.28, one (1) of the specific things was all the funds collected by the Warrick County Animal Control shall be deposited into Warrick County Animal Control. So it will stay with that program. So as, when I was here last time I discussed the fact that we, Animal Control alone, just Animal Control generated in revenue approximately twenty-six thousand five hundred ($26,500.00) give or take a few dollars there. With the estimated income that we're going to be taking in, just based on what we have right now, with cash already in at sixty-nine hundred and fifteen dollars ($6,915.00), pending court cases, if they're resolved at full price of approximately of twelve ($12,000.00) to fifteen thousand ($15,000.00) if we settle. I'm just figuring of both cases another minimum of ten thousand ($10,000.00) coming in for those things. So what I'm looking at right now since all of the money now will stay with Animal Control, just Animal Control, if we're on track with where we've been over the last, over this last four (4) months, which is really good for what they're doing, it'll be approximately forty-five thousand ($45,000.00) if you take into account the pending on what that, those court cases bring in. I can't discuss them in entirety, but there are a lot of fines that are there waiting in just two (2) court cases. And so that added to the comp time, we'll basically eliminate overtime at Animal Control except on rare occasions if something happens late or early morning, excuse me, or maybe on a Sunday. The majority of our outcalls are when kids get home from school and doing things and getting with the animals and fighting and things like that. And then also parties on the weekends. It won't eliminate it entirely, but ninety (90%) to ninety-five percent (95%) of it will be eliminated altogether. So that's where I'm trying to just share with you guys. I believe that we are generating some money to repay or be able to pay for that position. It's very needed and it has been for many years, that job. That particular area of our department is just growing by leaps and bounds and continues to do so.

Councilman Richmond: So, right now, you have people working their regular hours during the day. You don't have anybody beyond the 4:00 (PM) time and if there is an incident, that's over comp time?

Aaron Franz: Yes. Yes.

Councilman Richmond: And then I need to ask you, we need to put first things first. Which one (1) of these should we look at first?

Aaron Franz: I'd like you to look at that one (1) first.

Krystal Powless: The full time one (1)?

Councilman Richmond: It says the…

Krystal Powless: So, he's saying look at 4C first.

Aaron Franz: Please.

Councilman Richmond: 4C first? Additional Appropriation, ten thousand six hundred dollars ($10,600.00) for Animal Assistant Control Officer.

Krystal Powless: Yes. And that's a full time position.

Councilman Richmond: And that's full time.

Councilwoman Ledbetter: Now, when we talked earlier, you said that you needed someone working a second shift. Is this person going to be a full time second shift? How will that work?

Aaron Franz: Well, right now I'm in, I'm in a bit of a crunch. So, I'm going to have to move things around when it, when it comes to the normal operations. When we're running normally, they will go into a second shift position that will come in, I would like for them to overlap about 2:00 (PM) so that they can go over everything that they've gone over through the day. I don't want them to work a full eight (8) hours in the evenings cause I want them to work on Saturdays as well. So, we'll be able to spread them out to where they work 2:00 (PM) to 9:00 (PM) or whatever we work out and then also work on Saturdays full time. Right now we have people come in part of the day on Saturday and then also calls.

Councilwoman Ledbetter: You have any idea how much money you'll save in overtime?

Aaron Franz: Well, right now, around, just an estimate based on what I having right now, nine thousand dollars ($9,000.00).

Councilwoman Ledbetter: A year? Annually?

Aaron Franz: A year, annually. Maybe more. You see, that's the thing, when they're gone, now, I'm still down to one (1) and I can really run two (2), I'm running two (2) trucks a day. So, and we do have three (3) trucks currently. So.

Councilman Reid: Does that full time person have insurance then too?

Aaron Franz: They will, yes, Sir.

Councilman Reid: That'd be a lot more than you're showing then?

Aaron Franz: Well, I didn't have that information to put down.

Councilwoman Ledbetter: Yeah, at ninety-two hundred ($9,200.00) it would be thirty-two thousand two hundred dollars ($32,200.00).

Aaron Franz: Thirty-two thousand ($32,000.00) (inaudible), but again the numbers that we're showing are, are, that's what I'm trying to do is show the numbers that still justify that.

Councilman Metzger: Now you do have two (2) full time Animal Control Officers, now, right?

Aaron Franz: Yes, Sir.

Councilman Metzger: And is there any way you can split their shifts up?

Aaron Franz: Not really. That's what I was explaining earlier. I've got them going all the time right now.

Councilman Metzger: During the day?

Aaron Franz: During the day. Right.

Councilman Metzger: When the overtime or when the afterhours call then it's...?

Aaron Franz: We split their, we split them up, that one (1) of them's on call one (1) week and one (1) of them's on call the next week.

Councilman Metzger: Right, still adds up to comp time.

Aaron Franz: Yes, Sir.

Councilman Richmond: And when you grant comp time, that means your regular shift during the day is down one (1).

Aaron Franz: Down one (1) person, yes.

Councilman Richmond: You know, for the benefit of our citizens, that's what we need to think about.

Councilman Metzger: Why can't we cover Sunday?

Aaron Franz: Well, we may be able to. We actually may be able to. I'm just, I know I don't have it. We're just making, you know...

Councilman Metzger: Yeah.

Aaron Franz: So, right now they're theoretically plans, but we, somebody's going to have to cover to some degree anyway.

Councilman Metzger: Right. Like to be able to tell taxpayers they've got twenty-four (24) hour coverage, you know, twenty-four-seven (24/7).

Aaron Franz: Sure, sure. It's still going to, it's still going to, just to work it out to the average work week. They're going to have to, they're going to be off one (1) day during the, it's still not going to work out to where I have that total, but we could work something out. Definitely shift one (1) of our part-time people to cover the office at least.

Councilman Metzger: You'll still incur comp time because of Sundays? Nobody's actually working.

Aaron Franz: So, yes, one (1) of...

Councilman Metzger: Even with a third.

Aaron Franz: Well, if, if I have to move it to Sunday, I'm not opposed to that at all. Like I said, right now it's just in the works with how I'm going, if we have to have it, then I'll organize how we work it.

Councilwoman Ledbetter: So, you're probably going to be earning an extra thirty-four thousand ($34,000.00) a year and then you lose about nine thousand dollars ($9,000.00) a year in overtime. Am I correct?

Aaron Franz: Correct.

Councilman Overton: And this is all being covered from within its own fund.

Krystal Powless: The Health Department Fund, yeah.

Councilman Richmond: And they have plenty of cash.

Councilwoman Ledbetter: Motion to approve.

Councilman Richmond: Motion by Cindy to approve 4C, the Additional Appropriation of Animal, Assistant Animal Control Officer, ten thousand six hundred dollars ($10,600.00). Is there a second?

Councilman Overton: Second.

Councilman Richmond: Second by Brad. Any further discussion? All those in favor? One (1), two (2), three (3), four (4). All those opposed? Two (2). And that's David and Rick. (Motion carried 4-2 with David Hachmeister and Rick Reid opposing).

Krystal Powless: Okay, so that also eliminates that, the second there, that 'or' for ninety-one-eighty ($9,180.00). Okay.

Aaron Franz: Right.

TRANSFER – ANIMAL CONTROL EXPENSE TO POUNDKEEPER

Councilman Richmond: Now do we need to go back up to the transfer?

Krystal Powless: That's what Aaron needs to let us know; that was a transfer for more part-time help. Do you still need that transfer?

Aaron Franz: I would like to table that, if I may.

Councilman Richmond: Do I have a motion?

Councilman Overton: Motion.

Councilman Richmond: Motion by Brad to table. Is there a second?

Councilwoman Ledbetter: Second.

Councilman Richmond: Second by Cindy. All those in favor of the table? That's all of us. Six, zero (Motion carried 6-0).

Aaron Franz: Thank you all for your time.

Krystal Powless: Hang on, you're not quite done.

SALARY ORDINANCE
ASSISTANT ANIMAL CONTROL OFFICER

Councilman Richmond: 4D.

Krystal Powless: 4D, you would need to approve the Salary Ordinance for another Assistant Animal Control Officer.

Councilman Richmond: And cross out the Pound Keeper?

Krystal Powless: Yes.

Councilman Richmond: Okay. So, Salary Ordinance for Health, Assistant Animal Control Officer, thirty-one thousand eight hundred ten dollars ($31,810.00).

Councilman Overton: Motion.

Councilman Richmond: Motion by Brad. Is there a second?

Councilwoman Ledbetter: Second.

Councilman Richmond: Second by Cindy. Any further?

Councilman Reid: Is that a full time position?

Krystal Powless: Yes, that's to go with the Additional…

Councilman Reid: So, that's two (2) full times?

Aaron Franz: Just one (1).

Krystal Powless: Just one (1).

Councilman Richmond: Yeah, this is the Salary Ordinance to take care of the Additional Appropriation we did a while ago he's combining with some part-time money. All those in favor? Four (4). Opposed? Two (2). (Motion carried 4-2 with David Hachmeister and Rick Reid opposing). Let me write this down.

Aaron Franz: Thank you, again.

Councilman Richmond: And the two (2), David and Rick opposed. Okay, thank you.

(May Appropriations are located on Page 16 of these Official Minutes)

TRANSFER – PART-TIME TO ASSISTANT ANIMAL CONTROL OFFICER

Krystal Powless: Then 4E was to transfer additional money into that line item in order to fund the full time position.

Councilman Overton: Motion.

Councilman Richmond: Motion by Brad to transfer Part-Time, nine thousand dollars ($9,000.00) into Assistant Animal Control Officer, nine thousand ($9,000.00). Is there a second?

Councilwoman Ledbetter: I second.

Councilman Richmond: Second by Cindy. Any further?

Councilman Hachmeister: That won't cover it, will it?

Krystal Powless: Well, the nine thousand ($9,000.00) plus the ten thousand six hundred ($10,600.00) is nineteen-six ($19,600.00) didn't address the health insurance. I thought we could keep an eye on it and you know towards the end of the year.

Councilman Hachmeister: Depends on when they're starting too.

Krystal Powless: Right. You know, if we have to adjust it later, we, I'd bring it back. So…

Councilman Richmond: I'll call for the vote. All those in favor? One (1), two (2), three (3), four (4). All those opposed? Two (2). David and Rick. (Motion carried 4-2 with David Hachmeister and Rick Reid opposing). That's all of yours. Thank you.

SHERIFF BUSINESS
SALARY ORDINANCE – SICK DAY PAY

Councilman Richmond: And Sheriff's Business, Sick Day Pay, two hundred seventy-eight dollars and fifty-six cents ($278.56).

Councilman Overton: Motion to approve based on Handbook.

Councilman Hachmeister: Second.

Councilman Richmond: Motion by Brad. Second by David. Discussion? All those in favor? Six, zero (Motion carried 6-0).

Councilman Hachmeister: You can join Roger, Mike.

Councilman Reid: Nice talking to you.

Unknown: (Inaudible) did they approve?

Krystal Powless: They approved ten thousand ($10,000.00).

COUNCIL BUSINESS
DIRECTING AUDITOR TO DEPOSIT MONEY INTO RAINY DAY FUND

Councilman Richmond: Let's see. Council Business, before we look at the Budget Meeting Schedule, I would like to instruct our Auditor to please deposit two hundred eighty-eight thousand one hundred thirty-six dollars ($288,136.00) from the Local Income Tax Supplemental Distribution into Rainy Day account. And that's Indiana Code 36-1-8-5.1 that allows us to do that. And all it needs is…

Councilman Hachmeister: I'll second that instruction.

Councilman Richmond: Is that all that's needed, Krystal? Just (inaudible)…

Cliff Whitehead: Yeah, I looked at this and when it talks about income taxes which this falls under, it doesn't need a Resolution or an Ordinance. So, yes, that is what I believe, it just needed direction to deposit and that's what now's been done.

Councilman Richmond: So, should I call for a vote of the Council on that?

Cliff Whitehead: I guess to put a cherry on top. Sure.

Councilman Richmond: Okay. All those, well, we need a motion.

Councilman Hachmeister: You done the instruction and I did the second.

Councilman Richmond: Okay. Let me write this down.

Unknown: Can you read the number again? I'm sorry.

Councilman Richmond: Indiana Code 36…

Krystal Powless: No, the total.

Cliff Whitehead: The amount.

Councilman Richmond: Oh, two hundred eighty-eight thousand one hundred thirty-six dollars ($288,136.00), Local Income Tax Supplemental Distribution. Goes into the Rainy Day account. And the motion was made by Brad and seconded by David. All those in favor?

Councilman Overton: I thought you made the motion?

Councilman Richmond: Six, zero. (Motion carried 6-0). Well, I was told from the way I read this thing, all I had to do was direct the Auditor. This makes it official.

BUDGET MEETING SCHEDULE

Councilman Richmond: And the last item of Council Business, of course you all may have some other things, is the Budget Meeting Schedule. Did you all get a chance to look at that and see if those dates are all clear?

Councilman Hachmeister: I have no problems at this time.

Councilwoman Ledbetter: I'm clear.

Councilman Hachmeister: That's subject to change.

Councilman Overton: Subject to winning the lottery.

Krystal Powless: So all those are good?

Councilman Richmond: So, Thursday, July 25th was the all-day Department Hearings. Our regular meeting's August 1st at 6:00 PM. August 1st is also the Review of Estimated Levy Limits at the end of our regular meeting. Wednesday, the time is to be arranged, Personnel Meetings as to when the Personnel Committee can meet, August 7th, at a convenient time. Tuesday, August 20th is the Budget Session where we do our penciling and cutting. Thursday, August 29th is another Budget Session if needed. We used to do it all in one (1) day from 8:00 (AM) to 8:00 (PM). Thursday, September 5th at 6:00 PM regular meeting. Thursday, September 5th at 7:00 PM after the regular meeting's the Final Review. Thursday, October 3rd at 6:00 PM is the regular meeting. Also after the regular meeting October 3rd at 7:00 PM, Public Hearing. And Thursday, October 24th at 5:00 PM is the Budget Adoption. So, we'll go with that unless there's a change later on. We don't need a motion for that, do we?

Krystal Powless: No.

Councilman Richmond: Okay.

DISCUSSION ON THE TRANSFER OUT OF THE HIGHWAY DONATION FUND

Councilman Richmond: Anybody else have anything to come before the Council from the public?

Auditor Stevens: I just have a question about something that happened in this meeting earlier where there was a subject on the agenda for Highway Donation Fund. And before there was even a word said, there was a first, a second, and then a vote but no discussion. There was, it was all very fast. It didn't really allow for any, anyone to explain what that appropriation was for.

Councilman Richmond: Well, it really, it's not an appropriation; it's a transfer. I had an explanation sent to me.

Auditor Stevens: Well, it's...

Councilman Hachmeister: In other words, it was transferred out of the actual one (1) Donation Fund to really another one (1).

Auditor Stevens: It really should have been an appropriation. Because the Donation Fund is the Highway Donation Fund and the money that's put into that Fund were typically directed that it goes on Materials and Equipment or it goes into a specific road, aligned for a specific road. And so then the money is deposited into whatever revenue line we're directed to. That...

Councilman Hachmeister: Is that really a, and I always thought that was coming up as far as Commissioners' discretion.

Auditor Stevens: Well...

Councilman Hachmeister: Not actually for materials.

Auditor Stevens: A Fund by definition of donation is for, to be spent without appropriation as long as it's spent for the purpose that it was donated for. And so most of the claims that come in for that Fund, they, they meet the definition of the Fund and they don't require an appropriation. So, really, this, this should have been an appropriation by the Council to, for the money to be used for something other than a specific line that the money is receipted into.

Councilman Richmond: These are all from 4103.

Auditor Stevens: Right.

Councilman Richmond: Can't that be done in-house without us then?

Auditor Stevens: No. It's Fund 4103, but it's the, it's the category; it's the next line. It's the description of the expense that says whether it can be transferred from line to line without Council approval.

Councilman Richmond: So, which number should I be looking at? The '08804 and the '38102?

Auditor Stevens: Well, it's...

Krystal Powless: Well...

Auditor Stevens: I think that...

Councilman Richmond: Cause they used to be one hundreds (100's), two hundreds (200's), three hundreds (300's), four hundreds (400's).

Krystal Powless: Yes, that's changed.

Auditor Stevens: But the thing is, is a donation in a Donation Line in the Highway Donation Fund is really a line that has to be appropriated by the Council.

Councilman Richmond: Did you discuss this with the Commissioners? I think it was in the Commissioners' meeting the last meeting they did this.

Auditor Stevens: I don't know. Was it (inaudible)?

Krystal Powless: I had discussed it with Roger and I just went back to check and he's already gone.

Auditor Stevens: Okay.

Krystal Powless: So, if I speak something that might not be correct, please don't hold it against me.

Councilwoman Ledbetter: Debbie, do you have the code? Do you have the State Code that would...?

Auditor Stevens: I don't have with me a State Code. But, I can tell you the position and what direction is from State Board of Accounts. It's, I'll just use an example the Clock Donation Fund. That Fund was established for the purpose of preservation of the clock. If we get a donation that says it's for the Clock Donation Fund, then you, any, the Commissioners can spend without appropriation from the Council as long as it's for that purpose. Same way with the Highway Donation Fund. Money can be spent as long as it's for the purpose that the money was given to put into the Donation Fund. And, so that's the reason the Claim ultimately went back to the Commissioners because the Claim is for a donation to the Labor Day Celebration Event. And it did not meet any of the criteria within that Fund to spend without appropriation. And I explained that, but what I see here is there's, it's a transfer with a line created for donation but it really should have been an appropriation by the Council.

Krystal Powless: And of course that's what the Commissioners requested is a transfer. But Roger did tell me, and again, I have not read this, but they have a Resolution or Ordinance in place for that particular line item from Peabody that supposedly can be spent, Peabody doesn't have any requirements on what they spend it on, that donation. That's what Roger told me. So...

Councilman Hachmeister: They, one (1) thing that I was involved in, that was one (1) way in the past the way it was.

Krystal Powless: Right.

Councilman Hachmeister: So, if something's changed...?

Auditor Stevens: The line that the money is on is clearly, the description is Materials and Equipment. And that's where we receipt money if it's not designated to a specific road. Then by the direction of Roger, usually, when the check comes in, that's how we receipt it. It goes to Materials and Equipment. They can spend from Materials and Equipment without appropriation as, because that's what the line is for. So we've never had an issue until this donation to the Labor Day Celebration came up. And I said, you have to have an appropriation for that in order to spend.

Councilman Richmond: Have you talked to the Commissioners about this?

Auditor Stevens: I explained it, yes.

Councilman Richmond: Before this meeting?

Auditor Stevens: Yes.

Councilman Richmond: Because I remember the discussion in their meeting.

Auditor Stevens: Have I spoken with each Commissioner, no. Roger, you know this is all between, you know, he sends the Funds over and I explained to him that if you spend outside of what, what the donation was given for, then you have to go to the Council for an appropriation for that purpose.

Cliff Whitehead: But if the Commissioners believe it's within the purpose, and according to the Ordinance, it shall be, the application of the Funds donated to the Highway Donation Fund shall be in according to the discretion of the Board of Commissioners. If they believe it's within the purpose, I think our hands are tied. Because they're saying it's within the purpose at their discretion is what the Ordinance says. So, I'm not sure we can then overrule them and say their discretion is wrong.

Councilman Reid: Well, we voted on it.

Cliff Whitehead: That's a good...

Councilman Reid: I don't know. It's still on our shoulders.

Auditor Stevens: But you voted on a transfer. You didn't vote on an appropriation. And, it's not a, it's not an inline transfer. It is an appropriation is what it is. I mean if it's not for the purpose of what we have within the Fund already, then it does require Council appropriation. Whether, whether the Commissioners approve it or not, that's certainly up to them to do that. It's a Claim just like any other. But there has to be an appropriation to spend it first.

Cliff Whitehead: We did appropriate it though.

Auditor Stevens: Well, this, isn't this a transfer?

Krystal Powless: It's a transfer.

Councilman Hachmeister: (Inaudible).

Councilman Metzger: So, what you're saying is the money should have been deposited in the Donation Line Item to begin with...

Auditor Stevens: Well, there wasn't, there was no such thing.

Krystal Powless: There wasn't, right.

Councilman Metzger: Right. But it should, correctly, it would have been deposited in a Donation Line Item instead of specifically for Materials and Equipment.

Auditor Stevens: Well, if someone wanted to...

Councilman Metzger: Unless, it's in the Materials and Equipment's Line; it's earmarked Equipment and Material.

Auditor Stevens: Correct.

Councilman Metzger: Right.

Auditor Stevens: By their direction, that's what we, that's where we put it. So...

Councilman Metzger: I understand what you're saying.

Auditor Stevens: Okay. I'm sorry that I interrupted you. I'm sorry.

Councilman Metzger: That's fine. That's fine.

Auditor Stevens: Ted, before you were finished. But if a Donation Line existed for these purposes, and someone gave them money, I can't imagine why, and said donate it to a non-profit, but that doesn't exist. And there was not an appropriation by this Council for them to spend it otherwise. Do you understand what I'm saying?

Councilman Metzger: I understand.

Councilman Hachmeister: Yeah.

Auditor Stevens: What they established the Fund for...

Councilman Metzger: It should have been deposited to a Donation...

Auditor Stevens: By Ordinance is one (1) thing. But then how the Fund can, the money from the Fund can be spent is another. As long as it's in line with what was given for, there is no appropriation required. But out of that purpose, an appropriation from this Council is required. And that's what I explained.

Councilman Hachmeister: We need to throw away the Materials and Equipment and just have donation.

Auditor Stevens: It's the same...

Councilman Hachmeister: And then we'd...

Councilman Metzger: No, we need to create donations.

Krystal Powless: Yeah, with (inaudible).

Councilman Hachmeister: But yeah, but I say, do away with the other.

Auditor Stevens: You would still have to appropriate with that. And there are five hundred (500) plus non-profit organizations in Warrick County, and then how so you police that...?

Councilman Reid: Yeah, Peabody normally wears out the roads. That's why they give them that money, cause it's...

Auditor Stevens: That's right. It's because the roads have been used and these are, this is money back for that purpose.

Councilman Metzger: It was meant to repair those roads afterwards. Right? That's...

Councilman Richmond: Well, Counselor, what do we do? What's the action of the Council?

Cliff Whitehead: What are you asking us to do?

Councilman Reid: Rescind.

Auditor Stevens: An appropriation is what is required.

Cliff Whitehead: And, and...

Councilman Richmond: Which means it would have to be advertised and this would be null and void tonight?

Auditor Stevens: I believe it is.

Cliff Whitehead: When you say, when you say it...

Auditor Stevens: I mean, I'm not trying to be, you know, be difficult about this, but I felt like I had explained that. And that is the way any...

Councilman Hachmeister: I wish you would have come up sooner when Roger was here.

Councilman Richmond: Yeah.

Councilman Hachmeister: But...

Auditor Stevens: But, you didn't even ask for discussion. I was ready to say something.

Councilman Hachmeister: We didn't need any.

Councilman Richmond: Transfer go pretty easy.

Auditor Stevens: Yes, okay. I understand from your perspective, yes, a transfer is a transfer. The money's there or it's not. I, I get that. So, I definitely understand that.

Cliff Whitehead: When you brought this up to the Commissioners, you believed it was outside the purpose of the Fund?

Auditor Stevens: It was outside of anything I had, that we had in our authority to spend without appropriation.

Cliff Whitehead: What was the Commissioners response to that?

Auditor Stevens: I explained what we needed. He was just rather abrupt, 'I'll go to the Council.'

Krystal Powless: He sent me a transfer request. Roger did. But let me ask you this, Debbie, cause I'm a little, I'm a little confused on the fact that you know, when we appropriate. I shouldn't say we, when the Council appropriates, that money still comes from the Donation Fund. So, it's money in their cash.

Auditor Stevens: Correct.

Krystal Powless: None of it was given for this donation in particular.

Auditor Stevens: No, it wasn't.

Krystal Powless: So, how is an appropriation different than the transfer?

Auditor Stevens: Because it, it comes to the Council then to decide.

Krystal Powless: Well, I know, but the transfer also came to the Council to decide. And I'm not arguing. I'm just; I don't know.

Auditor Stevens: The transfer, we really wouldn't even transfer in this Fund. Because anything that's given for a specific purpose goes directly to that line...

Krystal Powless: What, how, okay, how does money come into the Fund not for a specific purpose?

Auditor Stevens: We...

Krystal Powless: Cause I haven't looked into that. I'm just asking. I don't know.

Auditor Stevens: Actually, it usually has a road on it, but Roger says if it comes from Peabody it can go into, by their, by what they say, and how they direct the money they send, it can go into Material and Equipment. And that's appropriate. It's a Highway Donation Fund. If there's a line for that and that's what they're giving...

Krystal Powless: That's why he sent the transfer from Materials and Equipment. Cause it has all the money that has come in, has been put into that line item...?

Auditor Stevens: Into Materials and Equipment.

Krystal Powless: Um hum. So, I guess what I'm saying is, is there any other cash, I haven't looked at the Fund yet, to appropriate from without doing a transfer? Is that why he sent the transfer?

Councilman Metzger: No, we would have to create the line item.

Councilman Richmond: In a traditional appropriation...

Auditor Stevens: I get what you're saying...

Krystal Powless: You see what I mean?

Auditor Stevens: Yes. But I think...

Krystal Powless: Is there money that hasn't been earmarked to even appropriate?

Auditor Stevens: No.

Councilman Reid: Peabody just give, give to them saying it was for donations? That way it's earmarked to begin with. But see, Peabody is doing that just because they're repairing roads that they've torn up too. Because that's huge equipment out on those roads.

Auditor Stevens: Yeah.

Councilman Metzger: So, it was meant to be spent on roads.

Councilman Reid: Yeah.

Councilman Metzger: Not celebrations.

Councilman Richmond: So to get money from these Funds, we'd have to have some kind of, pull it out of something for an Additional Appropriation.

Auditor Stevens: You're right. Yes, absolutely. So, I mean the whole thing is just...

Councilman Richmond: That's why they did the transfer.

Krystal Powless: Correct.

Councilman Hachmeister: Give them back their check and start all over.

Councilman Richmond: I was here in the meeting when they did that. I didn't have a problem with it.

Auditor Stevens: Well, I don't have anything else to say.

Councilman Richmond: All I can do is ask for a reconsideration of the motion.

Councilman Reid: So moved.

Councilman Richmond: Okay.

Krystal Powless: What's your motion? To appropriate it?

Councilman Reid: Reconsider it. Not doing it right now 'til they come up...

Councilman Hachmeister: Well, this...

Auditor Stevens: But, you're right, there's no cash. There is no cash that is not already designated on, on a line, for a specific purpose to appropriate that.

Krystal Powless: So, right, so, I'm not...

Cliff Whitehead: Historically, have we done this before?

Krystal Powless: I, I think...?

Councilman Hachmeister: I know we have. I don't want to get too involved. But I (inaudible).

Councilman Richmond: There's been transfers from one (1) line item to another line item. (Inaudible) for this specific line, I know. That's been done for years. If we followed each line by the label, there wouldn't be any transfers.

Krystal Powless: I don't know for sure, but I think they've paid this donation before. I don't know out of what Fund. But...

Auditor Stevens: It's probably not appropriate to do so. If we take donations and they're for specific purposes, they go to specific lines, and that donation was given for a specific purpose, then that's how it should be spent. So, I don't know that we can undo any of this really. Or even reconsider. Cause there's no...

Councilman Richmond: Road Donation Fund, is that put up before they tear up a road?

Councilman Hachmeister: All the above. It can come in at any time.

Councilman Richmond: So, it, okay.

Councilman Metzger: And they don't care which roads we use it on. But, I think their intent was to use it on roads.

Councilman Richmond: So, we have a motion to reconsider by Rick Reid. Is there a second?

Councilman Metzger: I'll second that.

Councilman Richmond: Second by Ted Metzger. Okay. All those in favor of reconsidering the vote? One (1), two (2)...

Councilman Hachmeister: Counselor, we need (inaudible)?

Cliff Whitehead: I don't know. I mean we're citing Ordinances that...

Councilman Hachmeister: Well, this is really to be paid for last year, so it wouldn't hurt them not to get the money.

Councilwoman Ledbetter: Oh, then you throw that in there too, right? This was supposed to be last year's money.

Councilman Hachmeister: Yeah.

Councilwoman Ledbetter: Yeah, that they've already spent? Am I right? Have they already spent the money?

Auditor Stevens: Well, no. You're deciding if they're going to spend the money. Because I sent the claim back and said we, you know, this is Materials and Equipment. This Claim is not for Materials and Equipment.

Krystal Powless: Let me ask...

Councilman Metzger: Well, it needs to be straightened out.

Krystal Powless: Can I ask...?

Councilman Overton: I'm confused.

Cliff Whitehead: What's the money going towards?

Councilman Overton: Yeah.

Councilman Metzger: Labor Day Celebration?

Auditor Stevens: Labor Day Celebration from 2018.

Krystal Powless: Is this something they can pay out of their Contractual Services or something?

Auditor Stevens: I, you know, I don't think that that's how money is been appropriated for them to spend. I know it seems like we have a situation that needs to be cleaned up.

Councilman Overton: Okay, so I have a question. If we go back and look at this Friedman Park Even Center transfer that we made...

Krystal Powless: Yes.

Councilman Overton: But I mean, that's just a transfer. We didn't, did we make an appropriation? We did a transfer.

Krystal Powless: No, it was already appropriated.

Councilman Reid: Contracts.

Krystal Powless: Like the money that you just transferred had already been appropriated. So, it's, it's been appropriated. You're just transferring it to a different line item for them to spend it for a different purpose.

Councilman Overton: I'm just some dumb ole' hillbilly. I don't know.

Councilman Hachmeister: Yeah. (Inaudible) on the numbers.

Auditor Stevens: Well, I don't know. Now that we've had more discussion on this, I'm not sure it's, that this is, is a Fund for something like that. And it's really up to you. But there is no extra cash to appropriate. It goes to specific lines when it's donated.

Councilman Richmond: Well, I really don't know what to do. I think parliamentary procedure would allow us to reconsider a vote. And would that motion need to be made by somebody who voted in favor of?

Cliff Whitehead: No, not for a reconsideration. It can be (Inaudible).

Councilman Hachmeister: Revisit it.

Cliff Whitehead: Right. You revisit a vote that failed. That's when you have to...

Krystal Powless: (Inaudible) to pay it. Pay it out of the Commissioners' budget?

Councilman Richmond: So we have a motion and a second to reconsider. We can do that.

Krystal Powless: (Inaudible) obligated to pay it.

Cliff Whitehead: You have to vote on it.

Councilman Richmond: We need to vote on this reconsideration of Item 3, Commissioners' Transfer. All those in favor of reconsidering? One (1), two (2), three (3), four (4), five (5). All those opposed? Two (2). And the two (2).

Councilman Overton: Wait a minute. Hey, math, you added it wrong, mathematician. You said five (5) the first time.

Councilman Richmond: Oh, four (4) to two (2). (Motion carried 4-2 with Brad Overton and Greg Richmond opposing).

Kristine Georges: I don't want a correction in the Minutes, now, Mister.

Councilman Richmond: Right. Yeah.

Councilman Reid: (Inaudible) vote twice.

Councilman Overton: Helping you, Greg.

Councilman Richmond: Four (4) to two (2). Brad and Greg.

Auditor Stevens: Well...

Councilman Overton: That's why I never took college algebra.

Auditor Stevens: Thank you for the discussion.

Councilman Richmond: Now, we need to reconsider the vote.

Councilman Hachmeister: No, because you said we needed an additional and have it advertised.

Councilman Reid: (Inaudible).

Councilman Richmond: No, we're reconsidering our vote. So, we need to go back to Item 3 again, don't we?

Cliff Whitehead: Yes.

Councilman Hachmeister: Yeah, I gotcha.

Councilman Richmond: And we need to revote Item 3 for reconsideration.

Krystal Powless: But, but...hold on. I just want to clarify something before you vote. I'm not sure, if you're going to tell me to advertise this, I'm not sure there's cash to appropriate to the line in that Fund. So, if you're going to say, we're not going to do this, and then you want me to appropriate it. We may not be able to do that.

Councilman Richmond: So how do they get, they can't take money out of Contractual or any place else? In other words, this, this is...

Councilman Metzger: So, we need to table this until we can get it straightened out next month.

Councilman Richmond: Alright. Do I have any motions for tabling?

Councilman Metzger: I'll motion to table 'til we can get things straightened out.

Councilman Reid: Second.

Councilman Richmond: Okay, Ted Metzger, table. Second, Rick Reid.

Councilman Hachmeister: How come you didn't come up with this thirty (30) minutes ago?

Councilman Richmond: All those in favor of tabling?

Councilman Metzger: I voted no.

Councilman Richmond: Raise your right hand. One (1), two (2), three (3). You're in favor of tabling?

Councilman Hachmeister: Table it and get it (inaudible) just long enough.

Councilman Richmond: Four (4). And I'm going to be consistent and I'm going to vote against with Brad (Motion carried 4-2 with Brad Overton and Greg Richmond opposing).

Krystal Powless: So, I need to probably get with the Commissioners and find out...

Councilman Richmond: We need to get some kind of legal direction on this.

Krystal Powless: Okay. Thanks.

Auditor Stevens: I appreciate that (inaudible) of this Fund.

Councilman Reid: Do it right.

Councilman Metzger: I understand. I understand what you're saying, Debbie.

Councilman Richmond: The money has been spent from 2018 and it's 2019 now.

Councilman Hachmeister: Debbie, I understand your problem, but why didn't you say this when we started the agenda.

Auditor Stevens: I was waiting for the discussion. I'm sorry.

Councilman Hachmeister: Well, you should have brought it up, if it was wrong, it should have been listed at that time.

Auditor Stevens: I agree.

Councilman Hachmeister: You saw the agenda too.

Councilman Richmond: And I think it should have been resolved before it ever came to us, is what I think.

Auditor Stevens: In my mind, well, but I don't think that this Fund was the solution for that.

Krystal Powless: But what is?

Auditor Stevens: I don't know.

Councilman Reid: Let the Commissioners figure that one (1) out.

Councilman Richmond: We need to do something. The money's gone.

Auditor Stevens: This Council has, you know, the fiscal authority to donate to non-profit, you know, to give assistance to non-profit organizations. But, I don't know outside of that that anyone has…

Krystal Powless: So, you could create a line item, a Donation Line Item in the Commissioners Budget, because they do have a couple other donations in there and appropriate, I could advertise to appropriate to that Donation Line in their budget. But you know you're also talking about opening a big can of worms.

Councilman Metzger: Well, this isn't even non-profit.

Councilman Richmond: Yeah, we can't be…

Councilman Metzger: This is the unions.

Councilman Richmond: Giving to every non-profit out there.

Councilman Hachmeister: No.

Councilman Metzger: The Labor Day Celebration's not put on by the Unions?

Councilman Hachmeister: It's just a non-profit.

Councilman Metzger: It's a non-profit?

Councilman Hachmeister: Yeah.

Councilman Metzger: Okay, I didn't know that.

Councilman Richmond: It's really, the Unions kind of organize the parade and they have their function out there.

Councilman Hachmeister: Most of the Unions make it up (inaudible) non-profit.

Councilman Richmond: But it's Labor Day in honor of all laborers. I've always understood that. It's never been a total Union thing.

Councilman Overton: Are we still on the record?

Councilman Richmond: Yes.

Councilman Metzger: I think so.

Councilman Overton: (Inaudible) discussion?

Councilman Richmond: We haven't adjourned. Motion to adjourn. Who made that?

Councilman Overton: Motion to adjourn.

Councilman Hachmeister: Yeah.

Councilman Reid: Second.

Councilman Overton: Second, triple adjournment.

Councilman Hachmeister: Yeah, it's…

Councilman Richmond: Motion to adjourn by, seconded by Brad.

Councilman Hachmeister: (Inaudible).

Councilman Richmond: Who made the motion? Ted?

Councilman Reid: David.

Councilman Metzger: Sure.

Councilman Hachmeister: All the above.

Councilman Richmond: All those in favor? Six, zero (Motion carried 6-0 with Ted Metzger credited with the motion and Brad Overton with the second).

ADJOURNMENT: Meeting adjourned at 7:51 PM.

WARRICK COUNTY COUNCIL

Greg Richmond, President

Ted Metzger, Vice President

Charlie Christmas

David Hachmeister

Cindy Ledbetter

Brad Overton

Richard Reid

ATTEST:

Deborah K. Stevens, Auditor
Warrick County, IN

Minutes transcribed by Kristine Georges

Sec. 1 Be it ordained (resolved) by the Warrick County Council, Warrick County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the proposed specified, subject to the laws governing the same:

FUND	APPROPRIATION NUMBER APPROPRIATION #	DESCRIPTION DESCRIPTION	AMOUNT REQUESTED AMOUNT	AMOUNT REQUIRED\
Health	1159.11701.000.0000	Asst. Animal Con. Officer	$10,600.00	10,600
	1159.11250.000.0000	Poundkeeper	$9,180.00	0
	1159.22500.000.0000	Animal Control Ex.	$3,056.00	3,056
Total Health			$22,836.00	13,656

Taxpayers appearing in the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action.

Adopted this 2 day of May, 2019.

AYE	NAY

ATTEST: Deborah Stevens
Auditor Warrick County